

BANKING DEPARTMENT
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CHAPTER Ban 2400 GENERAL REQUIREMENTS: LICENSEES

PART Ban 2401 ANNUAL REPORTS

Ban 2401.01 Record Retention; Workpapers.

(a) Each licensee or former licensee required to file an annual report with the commissioner pursuant to RSA 361-A, RSA 397-A, RSA 398-A, RSA 399-A, or other applicable law, shall retain, and make available to banking department examiners during any regular or special examination or investigation, all supporting documentation used by the licensee in completing its annual report.

(b) Supporting documentation shall include but shall not be limited to papers, files, electronically stored data, accounting records and workpapers.

(c) Licensees shall retain all such supporting documentation for at least 2 years after filing an annual report.

Source. #6076, eff 8-10-95

PART Ban 2402 INCOMPLETE LICENSE APPLICATIONS

Statutory Authority: RSA 383:9, II

Ban 2402.01 Definitions.

(a) "License application" means an application for a license from the department pursuant to RSA 361-A, RSA 397-A, RSA 398-A, RSA 399-A, or RSA 399-D.

(b) "Department" means the New Hampshire banking department.

Source. #6636, eff 11-27-97

Ban 2402.02 License Applications.

(a) License applications filed with the department shall be complete with all information required by the application form.

(b) License applications filed with the department that do not contain all information required by the application form shall be deemed incomplete.

(c) The department shall send an incomplete application notice to the applicant with a list of deficiencies or omissions.

(d) An application shall have 60 days from the date of an incomplete application notice to file the information specified in the notice.

(e) If an applicant does not file the information specified in the notice within the time stated in (d) above, then:

- (1) The application shall be deemed withdrawn by the applicant;
- (2) The application fee shall be forfeited; and
- (3) An applicant shall be required to submit a new application with a new fee in order to re-apply for a license.

Source. #6636, eff 11-27-97

PART Ban 2403 CRIMINAL CONVICTIONS

Ban 2403.01 Definitions.

(a) "Independent contractor" means an individual who acts on behalf of a licensee, who is not paid wages as an employee of the licensee, but who is paid sums or other compensation by the licensee on a commission, contracted fee, or other basis to perform any licensed activity as an agent of the licensee.

(b) "Licensee" means an individual, partnership, corporation or other entity, however organized, that is licensed pursuant to any of the following New Hampshire statutes:

- (1) RSA 361-A;
- (2) RSA 397-A;
- (3) RSA 398-A;
- (4) RSA 399-A; or
- (5) RSA 399-D.

(c) "Management level employee" means any officer of record, assistant vice president or higher, office or branch manager, director of operations, or other position, the responsibilities of which provide such employee with the discretion and/or ability to set policy and/or manage or direct affairs of the licensee as a whole, or of any division or department or unit of the licensee.

(d) "Sentence" means any criminal sanction imposed by a court of competent jurisdiction for any criminal conviction. The term includes, but is not limited to, conditional discharge, probation, parole, restitution, fines and/or imprisonment.

Source. #6206, eff 3-20-96; ss by #7601, eff 11-22-01

Ban 2403.02 Felony Convictions.

(a) No person who has been convicted of a felony for dishonesty, fraud, deception, theft, or similar crime in any jurisdiction, shall serve as a director, trustee, partner, officer, management level employee or other employee of a licensee.

(b) No person barred by (a) above shall provide services related to a licensee's licensed lending activity as an independent contractor if the duties performed in that capacity, or expected to be performed, would otherwise be performed by a management level employee.

(c) Licensees shall disclose to the department in writing at the time of application for a license the name, title and job description of any individual convicted of a felony as set forth in Ban 2403.02(a) who serves as:

- (1) A director, trustee or partner of the licensee;
- (2) Employed as an officer or other employee of the licensee; or
- (3) Who serves as an independent contractor of the licensee.

(d) Licensees shall disclose to the department, in writing, the name, title and job description of any individual convicted of a felony as set forth in Ban 2403.02(a) who, at any time after an application for a license is filed with or a license is issued by the department:

- (1) Is elected or appointed as a director, trustee or partner of the licensee;
- (2) Is employed as an officer or other employee of the licensee; or
- (3) Serves as an independent contractor of the licensee.

(e) Failure to disclose such convictions of directors, trustees, partners, officers, employees or independent contractors in accordance with Ban 2403.02(c), Ban 2403.02(d), and Ban 2403.02(e) shall result in the commencement of license revocation proceedings in accordance with applicable licensing statutes, RSA 541-A and Ban 200.

Source. #6206, eff 3-20-96; ss by #7601, eff 11-22-01

Ban 2403.03 Misdemeanor Convictions.

(a) No person who has been convicted of a misdemeanor for dishonesty, fraud, deception, theft, or similar crime in any jurisdiction, shall serve as a director, trustee, partner, officer, or management level employee of a licensee for the following durations, whichever is later:

- (1) A period of 5 years following such conviction;
- (2) A period of 5 years following the completion of any sentence and/or parole;
- (3) A period of 5 years following payment of any fine or restitution ordered by the court in connection with such conviction; or
- (4) A period of 5 years following full compliance with any civil penalty ordered by the court in connection with any such conviction.

(b) No person barred by (a) above shall provide services related to a licensee's licensed lending activity as an independent contractor, in accordance with the time frames established in Ban 2403.03(a)(1) through (4), if the duties performed in that capacity, or expected to be performed, would otherwise be performed by a management level employee.

(c) Licensees shall disclose to the department, in writing, at the time of application for a license, the name, title and job description of any individual convicted of a misdemeanor described in Ban 2403.03(a), who serves as:

- (1) A director, trustee or partner of the licensee; or
- (2) Is employed as an officer or other employee of the licensee; or
- (3) Who serves as an independent contractor of the licensee.

(d) Licensees shall disclose to the department, in writing, the name, title and job description of any individual convicted of a misdemeanor described in Ban 2403.03(a) and (b) who, at any time after an application for a license is filed with or a license is issued by the department:

- (1) Is elected or appointed as a director, trustee or partner of the licensee;
- (2) Is employed as an officer or other employee of the licensee; or
- (3) Serves as an independent contractor of the licensee.

(e) The written notice required by Ban 2403.03(d) shall be provided to the banking department within 5 business days of such election, appointment, hire or retention of services.

(f) Individuals convicted of a misdemeanor as described in Ban 2403.03(a) and (b) who are in the employ of a licensee, or have been appointed to serve as partner, director or trustee of a licensee, or who have been retained by a licensee as an independent contractor as of March 20, 1996, shall be exempt from the provisions of Ban 2403.03(a) and (b) during the duration of such continuous appointment, employment or retention.

(g) Notwithstanding the provisions of Ban 2403.03(f), licensees shall not be exempt from the remaining provisions of Ban 2403.03, and shall provide the banking department with all information required by Ban 2403.03.

(h) Failure to disclose such directors, trustees, partners, officers, employees or independent contractors in accordance with Ban 2403.03(c), Ban 2403.03(d), Ban 2403.03(e), Ban 2403.03(f) and Ban 2403.03(g) shall result in the commencement of license revocation proceedings in accordance with applicable licensing statutes, RSA 541-A and Ban 200.

Source. #6206, eff 3-20-96; ss by #7601, eff 11-22-01

PART Ban 2404 - RESERVED

PART Ban 2405 CONSUMER COMPLAINTS AGAINST LICENSEES

Statutory Authority: RSA 541-A:16,I(b)(1), 361-A:4, 397-A:15-a, 397-B:7, 398-A:6-a, 399-A:5-a and 399-D:6

Ban 2405.01 Procedures.

(a) Consumers shall address their complaints concerning licensees of the department in writing on Form NHBD-1 which may be obtained from the office of the bank commissioner, 64B Old Suncook Road, Concord, New Hampshire, 03301. Completed forms shall be returned to the office of the bank commissioner.

(b) Form NHBD-1 shall contain the following, when available:

- (1) Name, address, home and business phone numbers of the complainant;
- (2) Name, address, and phone number of the licensee against whom the complaint is made, including the name of the person with whom the complainant has dealt;
- (3) Whether the subject of the complaint is a deposit, loan, rate, points, term, application, tax escrow, or other;

- (4) Whether a note or contract was signed, including the date;
- (5) Type of deposit or loan;
- (6) The rate, amount, and term stated in the good faith estimate;
- (7) The rate, amount, and term stated in any counter-offer;
- (8) Whether the loan or service was advertised on television, on the radio, in the newspaper or by other means, including a copy of the advertisement, if available;
- (9) If a complaint has been made directly to the licensee, the date, the name of the person the complaint was addressed to, and whether the complaint was made in writing, by telephone, or in person;
- (10) Whether the licensee has started foreclosure proceedings;
- (11) Whether the licensee has repossessed a motor vehicle, or other personalty;
- (12) Whether an attorney has been hired by the complainant and the name of the attorney;
- (13) A narrative description of the facts of the complaint, including dates of transactions, claims the licensee may have against the complainant, and the preferred remedy;
- (14) Copies of any documents relevant to the complaint; and
- (15) The dated signature of the complainant.

Source. #6313, eff 8-3-96

PART Ban 2406 FEES

Statutory Authority: RSA 383:9, II

Ban 2406.01 Fees for Providing Documents and Other Information.

(a) Information or documents that are required by statute or rule to be disclosed or provided to a borrower or loan applicant shall be provided by the licensee, or any successor thereto, without charge, regardless of whether such charge for the information or documents is characterized as a document preparation, transmission or other charge, unless a charge or fee is specifically authorized by statute or rule.

(b) A licensee shall not enter any agreement with a borrower or loan applicant which contains a provision waiving the borrower's or applicant's right to receive documents or information free of charge as provided in Ban 2406.01(a).

Source. #6555, eff 8-6-97

Ban 2406.02 Application Fees. A licensee shall not collect a loan application fee from a potential borrower subsequent to the time a written loan application has been submitted to the licensee for processing, unless the loan application fee was disclosed at or before the time a written loan application was made to the licensee and before a credit decision to deny or grant the loan was made.

Source. #6555, eff 8-6-97

PART Ban 2407 NOTIFICATION AND REPORTING REQUIREMENTS

Statutory Authority: RSA 383:9; RSA 361-A:2-b,IV; RSA 397-A:13,IV; RSA 397-A:20,II; RSA 397-B:3; and RSA 399-A:26

Ban 2407.01 Definitions.

(a) "Notify immediately" means verbal notification by telephone or in person, or written notification by facsimile transmission or other similar expedited means, that is provided within 12 hours of the occurrence of an event required to be reported pursuant to Ban 2407.

Source. #6463, eff 2-26-97

Ban 2407.02 Notice of Significant Events.

(a) Licensees shall notify the banking department immediately, and in writing within one business day, of the occurrence of any of the following significant events:

- (1) Filing for bankruptcy or reorganization of the licensee;
- (2) The filing of an information accusing the licensee of a crime or the indictment of a licensee for a crime any way related to the lending or brokering activities of a licensee, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold;
- (3) Receiving notification of a license denial, cease and desist, suspension or revocation, or any other formal administrative action in any state against the licensee based on lending or brokering activities, and the reasons thereof;
- (4) Receiving notification of any enforcement action by the attorney general of the state of New Hampshire or of any other state pursuant to any consumer protection statute, and the reasons thereof, except routine investigations of consumer complaints;
- (5) Expiration, termination or default, technical or otherwise, of any existing line of credit, or warehouse credit agreement;
- (6) Suspension or termination of the licensee's status as an approved seller or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, or Government National Mortgage Association;

- (7) Exercise of recourse rights by investors or subsequent assignees of mortgage or other consumer loans if such loans, in the aggregate, exceed the licensee's net worth exclusive of real property and fixed assets;
 - (8) Initiation of trustee process or any other form of attachment on any of the licensee's assets; or
 - (9) Existence of negative balances exceeding \$100.00 in any operating account at any time or the return of checks, exceeding \$100.00, for insufficient funds.
- (b) A licensee shall notify the banking department immediately, and in writing within 5 business days, of the occurrence of any of the following significant events:
- (1) Filing for bankruptcy or reorganization of any of a licensee's officers, directors, affiliates or owners of 10% or more of the licensee's stock;
 - (2) Criminal felony indictment or conviction of any of a licensee's officers, directors, affiliates or owners of 10% or more of the licensee's stock; or
 - (3) Filing of a civil suit, except small claims actions, naming a licensee as defendant which is related in any way to the mortgage lending or brokering activities of a licensee, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold.

Source. #6463, eff 2-26-97

PART Ban 2408 INTEREST CALCULATION METHOD

Statutory Authority: RSA 383:9, II

Ban 2408.01 Definitions.

- (a) "Consumer loans" means loans subject to the provisions of RSA 358-K.
- (b) "Licensed lender" means a sales finance company licensed pursuant to RSA 361-A, a first mortgage banker licensed pursuant to RSA 397-A, a second mortgage home lender licensed pursuant to RSA 398-A, or a small loan company licensed pursuant to RSA 399-A.
- (c) "U.S. rule method" means the method used in Section 226.22(a)(1) and Appendix J(a)(3) of Federal Reserve Board Regulation Z, 12 CFR 226, under which, at the end of each payment period, the unpaid balance of the amount financed is increased by the finance charge earned during that payment period and is decreased by the payment made at the end of that payment period. If the payment is less than the finance charge earned, the adjustment of the unpaid balance of the amount financed is postponed until the end of the next payment period. If at that time the sum of the two payments is still less than the total earned finance charge for the two payment periods, the adjustment of the unpaid balance of the amount financed is postponed still another payment period, and so forth.

Source. #6900, eff 12-4-98

Ban 2408.02 Interest Calculation.

(a) All licensed lenders shall calculate the annual percentage rate and apply the interest on closed-end loans using the U.S. rule method.

Source. #6900, eff 12-4-98

Ban 2408.03 Daily Simple Interest Disclosures.

(a) A first mortgage banker or broker or a second mortgage banker or broker who offers daily simple interest loans shall provide a separate written disclosure statement at the time of application.

(b) The disclosure statement shall be printed in at least 12 point bold type in the following form:

“NOTICE

The interest calculation method on the loan you are applying for is ‘daily simple interest.’ This loan does not provide a grace period for late payments. Unless every payment is received by the lender exactly on the payment due date you may incur additional interest costs. This means less of your monthly payment will be applied to the outstanding balance on the loan. This will prevent your loan from being paid in full at maturity. That means you may have a large payment due at the end of the loan term. If available from this lender, automatic withdrawals from your bank account is one way to make sure this type of loan is paid in full on the scheduled maturity date.”

(c) Receipt of the disclosure shall be acknowledged on the disclosure form by dated signature of the applicant.

(d) A first mortgage banker or broker or a second mortgage banker or broker who offers a daily simple interest loan as a counter offer shall provide the disclosure statement of Ban 2408.03 (b) as part of the counter offer.

Source. #7709, eff 6-20-02

PART Ban 2409 LICENSE REQUIREMENTS

Statutory Authority: RSA 383:9, II

Ban 2409.01 Definitions.

(a) “Employee” means a natural person who works full or part time for a licensee and to whom the licensee is required to furnish an IRS Form W-2. The term does not include independent agents or contractors, unpaid interns and unpaid volunteers.

(b) “Exclusive contract” means a written agreement between a licensee and an independent agent which defines the duties and responsibilities of the independent agent and precludes the independent agent from entering into contracts with other licensees for purposes of originating first mortgage loans in the state of New Hampshire

(c) "Independent Agent" for purposes of RSA 397-A:4, VIII and RSA 398-A:10, VIII means natural persons under exclusive contract with a licensee.

Source. # 7008, eff 5-28-99; ss by #7695, eff 6-

5-02

Ban 2409.02 Filing Requirement.

(a) Each licensee, who has exclusive contracts with 10 or more independent agents for purposes of originating first mortgage loans in the state of New Hampshire, shall file a copy of the language of the form contract he or she uses and copies of any subsequent amendments made to the form contract. In addition, each licensee, who contracts with 10 or more independent agents, shall file with the department on a monthly basis a list of independent agents with whom he or she has exclusive contracts, which shall include the names of the independent agents, business address and the independent agents' tax identification numbers. Failure of the licensee or license applicant to file the form contract or list of independent agents without good cause shall result in license revocation or denial.

(b) Each licensee who contracts with less than 10 independent agents shall file with the department, copies of the executed contracts that he or she currently holds and within 30 days of the effective date copies of each new exclusive contract with an independent agent entered into by the licensee. In addition, each licensee shall notify the department in writing within 30 days of the termination of any such exclusive contracts. Failure of the licensee or license applicant to file the exclusive contract or notice of termination of such an exclusive contract without good cause shall result in license revocation or denial.

(c) For purposes of Ban 2409.02 (a) and (b) good cause shall include but not be limited to natural or other disasters, interruption of business for 24 hours or longer due to power failure, civil unrest or any other similar circumstance beyond the control of the licensee which prevents the licensee from complying with the filing requirements.

Source. #7695, eff 6-5-02

Ban 2409.03 Exemption. Any independent agent who enters into an exclusive contract as defined in Ban 2409.01(b) with more than one licensee shall not qualify for exemption from licensure under RSA 397-A:4, VIII and RSA 398-A:10, VIII. Engaging in activities governed by RSA 397-A and RSA 398-A while acting as an independent agent under 2 or more exclusive contracts, shall be considered operating without a license and shall be deemed a violation of RSA 397-A:3, RSA 398-A:1-a, or both.

Source. #7695, eff 6-5-02

PART Ban 2410 BANKING DEPARTMENT LICENSEE FORMS

Ban 2410.01 Form NHBD-5, Authorization Release Form.

(a) Form NHBD-5, "Authorization Release Form", shall enable the banking department to request and receive reports of convictions for felonies and/or misdemeanors from any and all law enforcement officials.

(b) Applicants shall provide the following:

- (1) Name of license applicant;
- (2) Date of birth;
- (3) Social security number;
- (4) City and state of residence;
- (5) Title;
- (6) Signature and date; and
- (7) An acknowledgment completed by a notary public or justice of the peace.

Source. #6571, eff 8-26-97

Ban 2410.02 Form NHBD-6, Personal Disclosure Statement.

(a) License applicants required to submit Form NHBD-6, "Personal Disclosure Statement", shall provide the following information:

- (1) Name of license applicant;
- (2) Indication of license type(s);
- (3) Name of person completing form;
- (4) Relationship to applicant;
- (5) Other names by which person has been known;
- (6) Home address which shall include:
 - a. Street address;
 - b. Apartment number, if applicable; and
 - c. City, state, and zip code.
- (7) Date of birth;
- (8) Drivers license number and issuing state;
- (9) Highest or last level of education attended;
- (10) Name and address of last institution attended;
- (11) Degrees received and dates awarded;
- (12) List of other relevant education;
- (13) Work or employment history beginning with current employment, including the following information:
 - a. Name and address of business/employer;

- b. Job title;
- c. Dates of association;
- d. Description of duties and responsibilities;
- e. Name of immediate supervisor;
- f. Reasons for leaving;
- g. Listing of all periods of unemployment during the preceding 10 years;

(14) A statement as to whether the applicant has ever applied for or been issued a license for lending or loan brokering by any other state;

(15) A statement as to whether the applicant is currently engaged in lending or loan brokering activities in any other state;

(16) If the answers to (14) or (15) above are affirmative, the following information shall be provided:

- a. License number(s);
- b. Name of state licensing authority;
- c. Dates during which lending or brokering activity occurred; and
- d. Dates the license was held;

(17) A statement as to whether the applicant ever had a lending or brokering license revoked, suspended, or denied by any other state licensing authority;

(18) If the answer to (17) above is affirmative, the following information shall be provided:

- a. Dates of suspension or denial;
- b. Name of state licensing authority; and
- c. Reason(s) for revocation, suspension, or denial;

(19) A statement as to whether the applicant has ever:

- a. Been convicted of any felony or other offense involving:
 - 1. A breach of trust;
 - 2. Theft;
 - 3. Forgery;
 - 4. Deception;
 - 5. False advertising; or
 - 6. Fraudulent or dishonest dealing; or

- b. Had a final judgment entered against them in a civil action upon grounds of fraud, misrepresentation, deceit, or similar reason;

(20) If the answer to (19) above is affirmative, the following information shall be provided:

- a. Type of offense or judgment;
- b. Name and address of court where case was heard;
- c. Docket number of case;
- d. Date of conviction or judgment; and
- e. The sentence, penalty, or award ordered;

(21) An affirmation that the statements made on the personal disclosure statement, including statements made in any accompanying papers, are true, correct, and complete.

(22) The affirmation in (21) above shall include the title of the individual completing Form NHBD-6 and shall be dated, signed, and acknowledged before a notary public or justice of the peace.

Source. #6571, eff 8-26-97

Ban 2410.03 Form NHBD-7, Personal Financial Questionnaire.

(a) License applicants required to submit Form NHBD-7, "Personal Financial Questionnaire", shall provide the following:

- (1) Date;
- (2) Name of license applicant;
- (3) Indication of license type(s);
- (4) Name of person completing form;
- (5) Address which shall include:
 - a. Street address;
 - b. Apartment number, if applicable; and
 - c. City, state, and zip code;
- (6) Amount to be invested, or currently invested, in the business;
- (7) Percentage of business ownership;
- (8) An affirmative or negative response as to whether any amount stated in (6) above represents a loan to the license applicant;
- (9) If the response to (8) above is affirmative, the applicant shall attach to the application a copy of any promissory note associated with a loan;

(10) Description of how invested amount stated in (6) above will be, or has been, financed;

(11) A statement as to whether the person completing the questionnaire has been an owner of 10% or more of any business entity that has filed for protection under the federal bankruptcy law;

(12) If the response to (11) above is affirmative, a statement providing details;

(13) A balance sheet which shall consist of assets, liabilities and net worth categories as follows:

a. Assets consisting of:

1. Cash on hand and in banks;
2. Notes, loans, and other accounts receivable considered good and collectible;
3. Vested interest in retirement fund(s);
4. Net worth of business(es) owned, as indicated in financial statement(s) submitted in support of net worth amount;
5. Real estate which shall be reported at market value;
6. Automobiles which shall be reported at market value;
7. Marketable securities;
8. Cash surrender value of life insurance, which shall be the face amount of life insurance reported as a memo item only, and not included in the total asset figure;
9. Other assets; and
10. Total assets, which shall equal the sum of all assets reported on the balance sheet;

b. Liabilities consisting of:

1. Accounts payable;
2. Notes payable to banks;
3. Notes payable to others;
4. Real estate mortgages payable;
5. Interest and taxes due and unpaid;
6. Other debts and liabilities; and
7. Total liabilities, which shall equal the sum of all liabilities reported on the balance sheet;

- c. Net worth, which shall equal the difference between total assets and total liabilities;
 - d. Total liabilities and net worth, which shall equal both:
 - 1. The sum of total liabilities and net worth reported on the balance sheet; and
 - 2. Total assets reported on the balance sheet; and
 - e. The estimated value of notes, accounts receivable, mortgages, and other assets considered doubtful and not included in the balance sheet;
- (14) A statement of contingent liabilities including the following information:
- a. Name and address of debtor/obligor;
 - b. Name and address of creditor/obligee;
 - c. Description of collateral;
 - d. Value of collateral;
 - e. Date obligation incurred and due; and
 - f. Current amount;
- (15) A statement of income including the following information:
- a. Salaries, wages, commissions from employment;
 - b. Income from dividends and interest;
 - c. Net income from rents, royalties, and investments;
 - d. Other income;
 - e. Total income;
 - f. Expenses; and
 - g. Net income;
- (16) An affirmation that the statements made on the personal disclosure statement, including statements made in any accompanying papers, are true, correct, and complete.
- (17) The affirmation in (16) above shall include the title of the individual completing Form NHBD-7 and shall be dated, signed, and acknowledged before a notary public or justice of the peace.

Source. #6571, eff 8-26-97

PART Ban 2411 LICENSE SURRENDER

Statutory Authority: RSA 397-A:10-a, RSA 398-A:1-f

Ban 2411.01 Definitions.

(a) "Commissioner" means the bank commissioner appointed under the provisions of RSA 383:1.

(b) "Department" means the New Hampshire banking department.

(c) "Licensee" means a person, partnership, corporation, or any other legal or commercial entity, however organized, duly licensed by the bank commissioner pursuant to the provisions of RSA 397-A or 398-A.

Source. #7437, eff 1-27-01

Ban 2411.02 License Surrender.

(a) Any licensee that ceases to engage in business in New Hampshire for any cause, including bankruptcy, license revocation, or voluntary dissolution, during a license year shall surrender its license to the commissioner within 15 calendar days after the date of cessation.

(b) A licensee that ceases to conduct business under (a) above shall submit with its license the following information:

(1) A statement of the reason(s) for the license surrender;

(2) A list of all pending loan applications that includes the:

a. Loan applicant's:

1. Name(s);

2. Address; and

3. Telephone number;

b. Date of application;

c. Status of application;

d. Proposed loan amount; and

e. Amounts paid by applicants for loan application fees;

(3) If loan application files are transferred to other licensees, for each application the following:

a. Name of loan applicant(s);

b. Name and address of other licensee;

c. Date of transfer; and

d. Amount of applicant funds transferred; and

(4) The name, address, and telephone number of a contact person for the licensee responsible for providing the information in (2) and (3) above.

(c) The date a licensee ceases to conduct business shall be determined as follows:

- (1) For bankruptcy, as of the date of filing of a bankruptcy petition that terminates the continued operation of the licensee's business;
 - (2) For license revocation, as of the latest of:
 - a. The date of a final order issued by the department;
 - b. The expiration of the last date to file an appeal from a final order of the department; or
 - c. The date of a decision by an appellate court having jurisdiction, if the decision affirms a license revocation by the department;
 - (3) For a voluntary dissolution, as of:
 - a. The date of filing with the office of the secretary of state documentation necessary to effectuate the dissolution;
 - b. The date of recording at a county registry of deeds documentation necessary to effectuate the dissolution; or
 - c. The date of any agreement, resolution, or other documentation reflecting a voluntary dissolution of the licensee's business that is not required to be filed with the office of the secretary of state or county registry of deeds to effectuate the dissolution; and
 - (4) For any other reason, as of the date:
 - a. The licensee no longer accepts loan applications;
 - b. The licensee closes its office(s) listed on the licensee's most recent license application, except as a result of relocation of its office(s) during the license year; or
 - c. An on-site examination by the department reveals the licensee is not engaged in business;
- (d) A licensee shall surrender its license:
- (1) By delivery to the department; or
 - (2) By registered or certified mail to the department.

Source. #7437, eff 1-27-01

Ban 2411.03 Notice of License Surrender.

- (a) A licensee that surrenders its license under Ban 2411.02(a) shall publish notice in a newspaper of general circulation in the licensee's market area.
- (b) The Union Leader or New Hampshire Sunday News, published in Manchester, New Hampshire, shall be deemed a newspaper of general circulation under (a) above for all market areas in New Hampshire.
- (c) The notice under (a) above shall be published once per week for 2 consecutive weeks within 20 days after the date a license is surrendered.

- (d) The date of license surrender for purposes of (c) above shall be:
 - (1) The date a license is delivered to the department; or
 - (2) The postmark date for a license that is mailed to the department;
- (e) The notice under (a) above shall include the following:
 - (1) The name of the licensee;
 - (2) The principal place of business of the licensee;
 - (3) The licensee's license number;
 - (4) The type of license; and
 - (5) The name, address, and telephone number of a contact person for the licensee;
- (f) The notice under (a) above shall be in the following form:

Public Notice

_____(name of licensee), with a principal place of business
at _____, license #(s) _____, hereby gives notice that as
of _____(date) it has ceased conducting business as a
_____(specify)
type of license) in New Hampshire and has surrendered its license(s) to the New
Hampshire Bank Commissioner.

For information about pending loan applications and/or loan applicant funds, contact:
_____(name of contact person for licensee) at
_____(address) or _____(phone number)."

- (g) A licensee shall send or deliver to the department copies of the notices published within 30 days of the last date of publication.
- (h) Failure to comply with the provisions of Ban 2411.03 shall constitute a violation under RSA 397-A or RSA 398-A.

Source. #7437, eff 1-27-01

Ban 2411.04 Office Closing.

- (a) The provisions of Ban 2411.02 and 2411.03 shall not apply to a licensee with more than one licensed office location in New Hampshire that:
- (1) Proposes to close an office or offices located in New Hampshire; and
 - (2) Proposes to continue in business at a licensed office or licensed offices located in New Hampshire.

(b) A licensee that proposes to close an office or offices under (a) above shall submit written notification to the department at least 30 days in advance of the closing date, which provides the following information:

(1) For the office(s) to be closed:

- a. The address;
- b. Telephone number;
- c. Fax number;
- d. Name of manager; and
- e. Effective date of office closing:

(2) The address of the office or addresses of the offices that will continue to operate in New Hampshire which will service the accounts associated with the office(s) to be closed; and

(3) A list stating for each account transferred:

- a. The name(s) of the consumer(s);
- b. The account number; and
- c. The office to which the account is to be transferred;

(c) In addition to (b) above, a licensee shall post notice of the proposed office closing on the premises of the office(s) to be closed at least 30 days in advance of the closing date.

(d) The notice shall include the following information:

(1) A statement describing the proposed office closing;

(2) The effective date of the proposed office closing;

(3) For the licensee's office(s) to which accounts from the closed office will be transferred:

- a. The address;
- b. Telephone number;
- c. Fax number; and
- d. Name of manager.

Source. #7437, eff 1-27-01

Ban 2411.05 Office Relocation.

(a) The provisions of Ban 2411.02 and Ban 2411.03 shall not apply to the relocation of a New Hampshire licensed office within New Hampshire by a licensee provided that a licensee:

(1) Submits written notification to the department at least 30 days in advance of the proposed office relocation date, which provides the following information for the new office location:

- a. The address;
- b. Telephone number;
- c. Fax number;
- d. Name of manager; and
- e. Effective date of relocation; and

(2) Posts notice of the proposed office relocation on the premises of the offices to be relocated at least 30 days in advance of the office relocation date, which provides the following information for the new office location:

- a. The address;
- b. Telephone number;
- c. Fax number;
- d. Name of manager; and
- e. Effective date of relocation.

Source. #7437, eff 1-27-01